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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

WENDELL JAMES,)	Cause No. CV 05-97-BLG-RWA
)	
Plaintiff,)	
)	
vs.)	FINDINGS AND RECOMMENDATION
)	OF U.S. MAGISTRATE JUDGE
BILLINGS FEDERAL CREDIT UNION,)	
)	
Defendant.)	

On August 5, 2005, Plaintiff Wendell James applied to proceed *in forma pauperis* with this action under 42 U.S.C. § 1983. That Application was granted in a separate Order. James is proceeding *pro se*.

On August 25, 2005, the Court issued an Order directing service of James' Complaint. In that Order, James was advised that

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he must immediately inform the Court of any change in his address. See Order (doc. 3) at 3, ¶ 6.

On October 4, 2005, the Court issued an order setting a preliminary pretrial conference. On October 11, 2005, the order was returned as undeliverable. The Court therefore vacated the preliminary pretrial conference.

Local Rule 5.5(b) provides that a case may be dismissed without prejudice when mail is returned to the Court as undeliverable and the plaintiff does not supply a correct address within sixty days thereafter. More than sixty days have passed. The Court does not know how to contact James. He has not filed anything since August 5, 2005. Dismissal is appropriate.

RECOMMENDATION

Based on the foregoing, the undersigned United States Magistrate Judge **RECOMMENDS** that this case be DISMISSED WITHOUT PREJUDICE pursuant to L.R. 5.5(b) for James' failure to keep the Court informed of his current mailing address.

The parties are advised that, pursuant to 28 U.S.C. § 636, any objections to these findings must be filed with the Clerk of Court within ten (10) days after receipt hereof, or objection is waived.

The Clerk of Court shall forthwith forward a copy of this Recommendation to counsel for defendant and, in accordance with Rule 5(b)(2)(C), shall serve plaintiff with this Recommendation by leaving a copy with the office of the Clerk of Court.

DATED this 11th day of January, 2006.

A handwritten signature in black ink, appearing to read 'Richard W. Anderson', is written over a horizontal line.

Richard W. Anderson
United States Magistrate Judge